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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/705,496 | 11/03/2000 | Niro Nakamichi | M2127-5 | 6612 |
| 7278 | 7590 | 12/23/2003 | EXAMINER | |
| DARBY & DARBY P.C. P. O. BOX 5257 NEW YORK, NY 10150-5257 | | | MCCHESNEY, ELIZABETH A | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2644 | 7 |

DATE MAILED: 12/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/705,496

Applicant(s)

NAKAMICHI, NIRO

Examiner

Elizabeth A McChesney

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2,7-18,22,24,27 and 28 is/are rejected.
- 7) ☒ Claim(s) 3-6,19-21, 23 and 25-26 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on 11/4/99, 11/8/99, 12/7/99 and 12/20/99. It is noted, however, that applicant has not filed a certified copy of the following applications as required by 35 U.S.C. 119(b).

JP 11-313973, JP 11-313974, JP 11-313975, JP 11-313976, JP 11-317515,
JP 11-347012, JP 11-360124

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3 **Claim 14** recites the limitation "said wherein". There is insufficient antecedent basis for this limitation in the claim. The claim is unclear as to what the attachment member is independent of.

Claim 15 is dependent on claim 14.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1, 2, 18, 22 and 24** are rejected under 35 U.S.C. 102(b) as being anticipated by Freadman (US Patent No. 4,625,328).

Regarding **claim 1**, Freadman discloses an audio device 20, which includes a case 40 with a plurality of vertical and parallel substrates 50 (see figure 1).

Regarding **claim 2**, Freadman further discloses a heat sink 50 that includes a base and a plurality of fins affixed to the base (see figure 1 and col. 2-line 59). The fins are extending outward for dissipating heat (col. 2-lines 66-68 and col.3-lines 1-2). Freadman further discloses a power amplifier 10 is attached to the base of the heat sink 50 wherein the amplifier generates significant heat (col. 3-lines 12-20).

Regarding **claim 18**, Freadman discloses an audio device 20, which a heat sink 50 with a base and a plurality of fins affixed to the base (see figure 1 and col. 2-line 59). The fins are extending outward for dissipating heat (col. 2-lines 66-68 and col.3-lines 1-2). Freadman further discloses a power amplifier 10, which is shown attached to the base of the heat sink 50 (see figure 1).

Regarding **claim 22**, Freadman discloses the heat sink 50 is of a tubular configuration, which reads on the claimed limitation (col. 2-lines 58-64).

Regarding **claim 24**, Freadman discloses a heat sink 50 which can be of many different configurations, shapes or materials (col.2-lines 62-66). The heat sink 50 disclosed is of tubular configuration. Freadman does not specifically disclose if the heat sink is of one piece or many but that different configurations are used. However, the overall construction makes up a circular construction and is assembled with tips of fins

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directed outward with at least one power amplifier affixed to the base of the heat sink and which include power transistors (see figure 1).

6. **Claims 7-9, 11-13, 16-17 and 27-28** are rejected under 35 U.S.C. 102(b) as being anticipated by Barrow (US Patent No. 3,736,632).

Regarding **claim 7**, Barrow discloses an acoustic transducer (see figures 1 and 2) device, which includes a housing 12 and a circuit element 33 inside housing 12. Barrow further discloses the circuit element 33 within a case, which includes walls 30 and a cover 37 at the top. Barrow further discloses an opening 36 on cover 37, which has wires 35, passing through for connection of the circuit element 33 to other elements.

Regarding **claim 8**, Barrow further discloses the case is attached to the inside of the housing, via the housing, which also acts as the attachment member with the bottom of the case.

Regarding **claim 9**, Barrow further discloses the circuit element 33 is a transformer (col. 3-lines 35). Barrow further discloses a compound that fills the chamber 31 to protect the electrical elements within and of course is in contact with the housing and since the inner housing of the chamber is an attachment piece of the case this reads on the claim as including an element for protection of the elements which would include vibrations (col. 3-lines 37-39).

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Regarding **claim 11**, Barrow further discloses at least one winding in the case and a compound, which fills the case (filler), which reads on the claimed limitation (col. 3-lines 34-39).

Regarding **claim 12**, Barrow discloses that an external electrical equipment is connected to the lead wires 35 which reads on a connecting member at an outer surface of acoustic device for providing electrical connection with another device (col. 3-lines 34-35). Barrow further discloses a groove 36, which of course is, has a predetermined depth about with a perimeter reading on the size of the hole for the connecting member to exit from the case and to continue on to an external device. The width and depth of the groove is determined for the wire to pass through the groove in an insulating disk 37.

Regarding **claim 13**, Barrow further discloses a plurality of connecting members when the disclosure reference "wires" as well as showing multiple wires 35 in figure 2 and inherently teaches. Each wire has a groove that it exits out of which happens to be the same hole.

Regarding **claim 16**, Barrow discloses an acoustic device, which includes a groove 36 formed on case within the acoustic device. Barrow further discloses at least one wire 36 wherein the wire passes through the groove 36 in an insulating cover 37 and reads on the claimed limitation (col. 3-lines 36-39).

Regarding **claim 17**, Barrow discloses a hole 36 disposed inside a case of the acoustic device with a wire 35 disposed in the hole. The Examiner maintains that a pipe is merely a hollow cylindrical shape, which has a circular hole at each end and some

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distance in between. The hole disclosed by Barrow reads on a pipe wherein a hole for a wire is circular at each end with some thickness in between and therefore reads on the claimed invention.

Regarding **claims 27 and 28**, Barrow discloses and electronic part, a transformer 33 that vibrates when powered and inherently teaches the elastic member to absorb vibration by teaching any potting compound fills the chamber 31 to protect the electrical elements (col. 3-lines 37-39). It is also inherently taught the elasticity would be appropriate to the weight of the electronic part in order to fully provide with the absorption necessary.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claim 10** is rejected under 35 U.S.C. 103(a) as being unpatentable over Barrow (US Patent No. 3,736,632).

Regarding **claim 10**, Barrow discloses a transformer 33. However, Barrow fails to specifically disclose what type of transformer. The Examiner maintains is well known in the art that toroidal transformers are used because they are small, slim, lightweight and doughnut shaped. Therefore it would have been obvious to one of ordinary skill in the art to use a toroidal transformer in the acoustic device disclosed by Barrow because

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it would fit well in the saucer shape construction of the device as well as a benefit of being small and light.

Conclusion

9. Claims 3-6, 19-21, 23 and 25-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rush (US Patent No. 4,991,221) discloses an active speaker system and components therefor.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth A. McChesney whose telephone number is (703) 308-4563. The examiner can normally be reached Monday – Friday, 8:00 am – 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on (703) 305-4386.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

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Or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

EAM *STH*
December 14, 2003


FORESTER W. ISEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600